

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

CHIRAG SHAH,

Plaintiff,

vs.

SOUTHWEST AIRLINES, *et al.*,

Defendants.

Civil Action No. 1:13CV1481 AJT/JFA

SOUTHWEST'S PROPOSED VOIR DIRE

Southwest Airlines Co. proposes the attached voir dire questions for use at trial.

Dated: August 29, 2014

Respectfully submitted,

SOUTHWEST AIRLINES CO.
By Counsel

By: /s/ Jonathan M. Stern

Jonathan Stern (Va. Bar No. 41930)
Aaron Fickes (admitted *pro hac vice*)
Schnader Harrison Segal & Lewis LLP
750 Ninth Street, N.W., Suite 550
Washington, DC 20001-4534
Phone: 202-419-4202
Fax: 202-419-4252
Email: jstern@schnader.com

Ladies and gentlemen. We are here today to decide the case of Chirag Shah versus Southwest Airlines Co. This is a case in which the plaintiff, the man bringing the suit, alleges that Southwest Airlines excluded him and another man from a flight from Dulles International Airport because of their race. Southwest Airlines, the defendant, on the other hand, contends that the plaintiff and the other passenger were excluded because their behaviors aroused the suspicions of two flight attendants and the captain, after the information was brought to his attention, decided to exclude the two men from the flight because of their potential threat to safety.

It is extremely important to both parties that the jury seated in this case be fair and impartial. Many people have had experiences in their lives that influence the way they think about certain things. These experiences can affect the way a prospective juror will act in a case and whether that prospective juror can accept and apply the law as it is to a certain factual situation. A person may be qualified to sit as a juror in one kind of case but not in another.

We are about to pick a jury in this case. The Court will ask questions that you need answer only if your answer to the question is “yes.” It is important that you answer the questions truthfully and accurately. If your answer is “yes,” I ask that you raise your hand, in which case the Court may have follow-up questions that you will answer at the bench.

1. The Plaintiff in this case is Chirag Shah. He lives in the Chantilly area. Do you know the plaintiff, Chirag Shah? If so, how do you know him? How long? How well?
2. Mr. Shah is represented by a team of attorneys:
 - a. Thomas R. Breeden from the law firm of Thomas R. Breeden, P.C. His office is located at 10326 Lomond Drive, Manassas, VA 20109. Do you or anyone close to

you know Mr. Breeden or any of the employees of his law firm? If so, how do you know them? How long? How well?

- b. Sanjay Sethi and Abdulreza Mazaheri, of the law firm Sethi & Mazaheri, LLC.

They maintain an office at 2050 Ballenger Avenue, Suite 200, Alexandria, VA 22134, as well as offices in New York City and Hackensack, New Jersey. Do you or anyone close to you know Mr. Sethi, Mr. Mazaheri, or any of the employees of their law firm? If so, how do you know them? How long? How well?

- c. Brian L. Bromberg and Jonathan R. Miller, of the law firm Bromberg Law

Office, P.C. They maintain an office at 26 Broadway, 21st Floor, New York, New York 10004. Do you or anyone close to you know Mr. Bromberg, Mr. Miller, or any of the employees of their law firm? If so, how do you know them? How long? How well?

3. The Defendant in this case is Southwest Airlines Co., which owns Southwest Airlines and AirTran Airways. Are you or anyone close to you an employee of Southwest Airlines Co., Southwest Airlines, or AirTran? Do you or anyone close to you own stock in any of these companies?

4. Have you or anyone close to you had any experience with Southwest Airlines Co., Southwest Airlines, or AirTran other than as a passenger on one of its flights?

5. Have any of you flown on Southwest Airlines? Have your experiences with Southwest Airlines been positive or negative? Explain.

6. Does anyone have an impression of Southwest Airlines? What is your impression?

7. Southwest Airlines is represented by Jonathan M. Stern and Aaron J. Fickes of the law firm of Schnader Harrison Segal & Lewis LLP. Their offices are located at 750 9th Street, NW, Suite 550, Washington, DC 20001-4534. Do you or anyone close to you know Mr. Stern, Mr. Fickes, or any of the attorneys in their law firm? If so, how do you know them? How long? How well?
8. I am the presiding judge in this case. Do you or anyone close to you know me? Did you or anyone close to you know my law clerks, courtroom clerk, deputy marshall, or anyone else here in the courtroom before coming here today? How? If any of you end up on the jury, how would that affect the deliberation process?
9. Do you know any of the following persons, who may be witnesses in this case: [READ NAMES FROM WITNESS LISTS]? If so, how do you know them? How long? How well?
10. The Court has previously given you a brief description of the case that will be presented during this trial. Have any of you heard of this case before today?
11. This trial is expected to last through the end of this week. Is there anything about the length or scheduling of the trial that would interfere with your ability to serve?
12. Are there any of you who have problems with vision or hearing, or any other condition such as the need to take medications that may cause drowsiness, or are experiencing any physical or mental condition that might in any other way affect your ability to sit as a juror in this case? The court will provide reasonable accommodations to your special needs but I will only be aware of any such needs if you let me know about them. My only purpose in asking you these circumstances relates to your ability to serve

as a juror. If you have any such request, please raise your hand and I will speak to you at the bench.

13. Do you have any other medical, personal or financial problem that might prevent you from serving on this jury?

14. Have you ever previously served as a juror in a trial? Did that experience influence you so as to affect in any way your ability to render a fair, unbiased and impartial verdict in this case?

15. Have you ever served as a foreperson on a jury? Was there anything about your experience as a foreperson that would make it difficult for you to sit on this jury?

16. Have you or anyone close to you been involved in a criminal or civil lawsuit as a witness or as a plaintiff or defendant?

a. What was the nature of the suit?

b. Were you or the person close to you a plaintiff, a defendant or merely a witness?

c. What is the present status of the suit, e.g., has it gone to trial, did it settle, have you had your deposition taken?

d. Did that experience influence or affect in any way your ability to render a fair, unbiased and impartial verdict in this case?

17. Chirag Shah is a naturalized U.S. citizen who was born in India. This case involves claims of discrimination based on race. Is there anything about Mr. Shah's race or the nature of this case that makes any of you hesitant to sit on this jury?

18. Have you or anyone close to you ever had a particularly good or bad experience with a commercial airline? If so, please describe what happened.

- a. Did that experience influence or affect in any way your ability to render a fair, unbiased and impartial verdict in this case?
19. Apart from the experiences I just asked you about, do any of you have views about airlines that would influence or affect in any way your ability to render a fair, unbiased and impartial verdict in this case?
20. Do you believe that airlines are doing enough to keep passengers safe from security threats?
21. Would you have difficulty evaluating a person's conduct after-the-fact based on information that was not known to him or her at that time but now is well known? Why do you think you would have difficulty with that?
22. Do you believe that airlines are doing too little to keep passengers safe from security threats?
23. Do you believe that airlines are given too much authority over safety and security decisions on the flights that they operate?
24. Do you believe that the Transportation Safety Administration, or "TSA," is doing either too much or too little to keep passengers safe from security threats?
25. Do you believe that airlines should leave security concerns to the TSA?
26. Would you assume that anyone who makes it through TSA screening is not a threat?
27. Do you believe that a police officer is more likely to tell the truth based on his or her job?
28. Benjamin Franklin is quoted as saying, "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." Do any of you

have strong feelings—one way or the other—about this quote? What are your feelings? Why?

29. Have you, any of your family members, or close friends ever worked for an airline? If so, would this influence or affect in any way your ability to render a fair, unbiased and impartial verdict in this case?

30. Have you, or has anyone close to you, been the subject of discrimination? If so, please describe what happened? What, if anything, was done about it? What was the resolution? Were you and your family members satisfied with the resolution?

a. Did that experience influence or affect in any way your ability to render a fair, unbiased and impartial verdict in this case?

31. Have you or anyone close to you been charged with discrimination? If so, please describe what happened?

a. Did that experience influence or affect in any way your ability to render a fair, unbiased and impartial verdict in this case?

32. Have you or anyone close to you been involved in any way with claims or lawsuits that occurred as the result of discrimination? If so, please describe what happened?

a. Did that experience influence or affect in any way your ability to render a fair, unbiased and impartial verdict in this case?

33. Have you or anyone close to you been employed in the legal profession or trained in some aspect of the law?

34. Have you ever retained an attorney? Were you satisfied with the services you received?

35. Have you ever written a letter to the editor of a magazine or newspaper? What was it about? Was it published?

36. Would you consider the legal rights and responsibilities of a large corporation differently than those of an individual? Why do you feel this way?

37. Do any of you not understand that there are certain rules that prevent some things from being admitted into evidence in a legal case?

38. Do any of you not understand that you should not guess about things that were not admitted into evidence but must base your decision entirely upon what the court does admit into evidence?

39. I will give you certain instructions at various parts of the trial. You will need to follow those instructions. Do any of you believe that you could not follow my instructions if you disagree with them?

40. Having sympathy for the plaintiff or the airline is nothing to be ashamed of and does not reflect badly on you as a person. However, the parties are entitled to have this case heard by a fair and impartial jury that will decide the case solely according to the evidence admitted in this Court and the Court's instructions on the law. The jury may not be governed by sympathy, prejudice, or public opinion. With this in mind, do any of you know of any reason why you would be unable to give either the plaintiffs or the airline a fair trial based solely on the evidence admitted at trial and the instructions given by the Court?

41. Do any of you not understand that the law prohibits attorneys and parties from communicating with jurors outside of the courtroom? Therefore, if you run into one of

the lawyers or parties outside the courtroom and they do not talk to you, you'll understand.

42. Did you know any of the other prospective jurors before assembling for this jury panel? If so, how did you know them?

43. Is there any member of the jury panel who would feel obligated to rule in favor of one party even if the evidence weighs in favor of the other party?

44. If you were to put yourself in Southwest's place in this case, is there any reason why you would not want someone like yourself to sit on this jury?

45. If you were to put yourself in the plaintiff's place, is there any reason why you would not want someone like yourself to sit on this jury?

46. Apart from information you have already shared, have any of you had any experiences--or do any of you hold any philosophical, moral, religious or personal beliefs—that might impact on your ability to be fair, unbiased and impartial in this case?

47. Is there any reason I haven't mentioned why you can't be a fair and impartial juror for this particular case? Please volunteer to me any concern that I haven't given you the opportunity to express or any piece of information you think you would want if you were asking the questions.

CERTIFICATE OF SERVICE

I hereby certify that, on this 29th day of August 2014, I filed Southwest's
Proposed Voir Dire Questions using the Court's ECF filing system, which will provide a copy to:

Thomas R. Breeden, Esq.
Thomas R. Breeden, P.C.
10326 Lomond Drive
Manassas, Virginia 20109
Telephone: (703) 361-9277; Telefax: (703) 257-2259
trb@tbreedenlaw.com

/s/ Jonathan M. Stern

Jonathan Stern (Va. Bar No. 41930)
Schnader Harrison Segal & Lewis LLP
750 Ninth Street, N.W., Suite 550
Washington, DC 20001-4534
Phone: 202-419-4202
Fax: 202-419-4252
Email: jstern@schnader.com